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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,746	12/21/2005	Ralph L. Resnick	EH - 0148 US	8270
48740 7590 04/30/2007 IP & INTERNET LAW NORTH, LLC P.O. BOX 38 ZELIENOPLE, PA 16063			EXAMINER MASINICK, MICHAEL D	
			ART UNIT 2125	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/561,746

Applicant(s)

RESNICK ET AL.

Examiner

Michael D. Masinick

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/12/07
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. attached.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-11 are pending in this application. All outstanding USC 112 rejections have been corrected or explained and those rejections are withdrawn. The only outstanding issue in the examiner's view is that of the definition and claim language of "holistic design".

Applicant's arguments state that the definition of this term reads "...considering all aspects of the article and the manufacturing process..." and then proceeds to explain why certain examples (following the term "For Example") are not to be read into the claims. If a process is considering ALL aspects of the article, wouldn't any examples necessarily have to be part of the claimed subject matter as well as they fall under the umbrella of "aspects of the article"?

All previous claim rejections are removed as the arguments presented by applicant make it clear that the Thayer patent does not disclose "holistic design" as claimed and defined in the specification.

Applicant has filed an IDS dated 4/12/2007 and declared that this information was known as of the filing of the application. The PowerPoint presentation listed as "Rational Product & Process Design" PowerPoint presentation of Concurrent Technologies Corporation, Johnstown, PA, circa 1997 is of particular relevance to this case. This document is combined under USC 103 below with the previously cited Thayer reference to reject the claims as written. It should be understood that the Thayer reference is only relied upon as a generic design/manufacturing patent that shows that the 3DP and SLS processes of designed products are well known in the art.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,305,769 to Thayer et al in view of "Rational Product & Process Design" PowerPoint presentation of Concurrent Technologies Corporation as listed in applicant's IDS with a date circa 1997.

2. Referring to independent claims 1 and 6, Thayer shows a method comprising the steps of:

a) selecting an article or class of articles to be made (Column 6, lines 1-9), b) designing the article or class of articles and the manufacturing process for making the article or class of articles, wherein the manufacturing process includes the use of a solid free-form fabrication process (Pages 1-3 of the specification); and c) capturing the resulting designs of the article or class of article and the manufacturing process (CAD Drawings).

3. Thayer does not show that the design process is a "holistic" design process according to the definition in the specification.

4. "Rational Product & Process Design" shows an outline referencing the design of a product where product and process design expertise and analysis are combined with "life cycle factors" (a term used in the specification to further define a holistic process) to arrive at the total product & process design.

5. A further search into the meaning of the term "IPPD" as shown in the last slide in the PowerPoint presentation led the examiner to the book "Environmentally- Friendly Product

Art Unit: 2125

Development: Methods and Tools" By Eberhard first published edition (October 21, 2004). On pages 3-6, "The Basic Approach", this book details CRC 392, an IPPD method where "...a holistic life cycle concept has been defined, taking into account technical, economical, and environmental aspects covering product life from raw material to final disposal" (page 4, introduction, lines 1-5).

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the IPPD/CRC292 system of the "Rational Product & Process Design" and further discussed in the "Environmentally- Friendly Product Development: Methods and Tools" book to do the design work in the Thayer manufacturing system because the use of the IPPD system results in environmentally friendly and marketable products (Page 3 of Eberhard book).

7. Referring to claims 2 and 7, Thayer shows the step of making the article by the manufacturing process in accordance with the captured designs of the article and the manufacturing process (purpose of Thayer patent).

8. Referring to claims 3 and 8, Thayer shows wherein the solid free-form fabrication process is the 3DP process (Column 1).

9. Referring to claims 4 and 9, Thayer shows wherein the solid free-form fabrication process is the SLS process (Column 1).

10. Referring to claims 5, 10, and 11, Thayer shows wherein the step of capturing includes the use of at least one of the group consisting of electronic records, analog records, and manual writing (Cad Design – electronic record).

***Conclusion***

11. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 4/12/2007 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

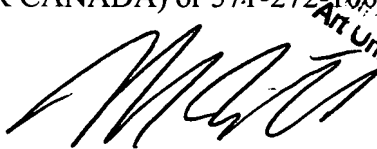
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2125

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-7000.



Michael D Masinick  
Examiner  
Art Unit 2125

MDM, Feb. 7, 2007